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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,455	11/28/2003	Jae Kyum Kim	0465-1104P	8287

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EXAMINER

PATEL, RITA RAMESH

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 09/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/722,455

Applicant(s)

KIM ET AL.

Examiner

Rita R. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Acknowledgement has been made of applicant's claim for priority under 35 U.S.C. 119. This application claims the benefit of Korean Application No. 10-2002-0075315 filed on November 29, 2002.

Drawings

The drawings received 11/28/03 are acceptable for examination purposes.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract **not exceed 150 words** in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8-14, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Kronbetter et al. herein referred to as “Kronbetter” (US Patent No. 6,256,823).

Kronbetter teaches a washing machine 10 with housing 12 having an opening 19 in the front of panel 13. Also, there is a bellows 44 in the front panel 13, therein lying stationary drum 25 and rotating drum 30; bellows 44 reads on applicant's claim for a gasket. The motor 34 drives rotating drum 30 via a suitable connection, for example a belt 35 and pulley 36 (col. 4, lines 6-7).

The bellows 44 embodies a first channel 46 having opposing sidewalls 50, terminating in a first and second fastening means 54, 56; the first fastening means 54 has an axially extending rib 65 engageable with one of the sidewalls of the first channel; and second fastening means 56 which has an axially extending rib 70 and is engageable with one of the sidewalls of the second channel and a radially extending lip 80 engageable with the door, whereby the stationary drum is sealed to the front panel of the washing machine. Opening 19 reads on applicant's claim for a first opening; the opening of stationary drum 25 reads on applicant's claim for a second opening; and the opening of rotating drum 30 reads on applicant's claim for a third opening.

Diagrammed in Figure 2 of Kronbetter are steps 60, 61 and corner bellow portion 44 form a "Z" shaped part which reads on applicant's claims for a leakage preventing part have a first, second, and third connecting member. Krombetter's disclosure of annular channel 48 and fastening means 56 reads on applicant's claim for a leakage preventing part; Krombetter's teaching of annular rib 65 reads on applicant's claim for a laundry-stuck preventing part; Krombetter's illustration of depressed reinforcement ribs 69 reads on applicant's claims for a ring type rib protruding from an outer circumference of the leakage preventing part. The reinforcement ribs are generally hemi-circular, as the tips are rounded. When the fins 69 are in a folded configuration, release requires their unfolding, thereby providing resistance to withdrawal, despite a relatively easy insertion. However, given the flexibility of fins 69, the ribs can be removed from the channel for routine maintenance, cleaning and/or replacement (col. 5, lines 12-17); thus reading on applicant's limitations for a deformation part with a strength gusset for reinforcing elasticity of the leakage preventing part.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kronbetter.

Re claims 7 and 15, applicant claims a polygonal ring type rib shape, however Kronbetter teaches a hemi-circular shape. Variation in shapes for such a rib would have been obvious to one of ordinary skill in the art at the time of the invention to achieve optimum holding. Caselaw purports that the particular configuration of a product is not significant or is anything more than one of numerous configurations a person of ordinary skill in the art would find obvious for achieving the same material use. *In re Dailey* 149 USPQ 47, 50 (CCPA 1966). See also *Glue Co. v. Upton* 97 US 3, 24 (USSC 1878). A polygonal type rib shape would provide the same means of function as that of a hemi-circular shaped rib. Such variation in shapes of said rib is found to be obvious in said art and although different shapes may provide a different aesthetic quality, the structural function of the rib is maintained. Furthermore it has been found that choice in aesthetic designs was held to have been obvious. *St. Regis Paper Co. v. Beemis Co. Inc.* 193 USPQ 8, 11, (1977); *In re Harza* 124 USPQ 378 (CCPA 1960).

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

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A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-3 and 9-11 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2, 6, and 11-16 of copending Application No. 10/722,150. Although the conflicting claims are not identical, they are not patentably distinct from each other because they both claim a washing machine including a cabinet, drum, tub, gasket, first, second, and third openings, a leakage preventing part, a deformation preventing part, and a laundry-stuck preventing part.

Claims 1-3 and 9 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2, 5, 10-12, and 15 of copending Application No. 10/722,426. Although the conflicting claims are not identical, they are not patentably distinct from each other because they both claim a washing machine including a cabinet, drum, tub, and gasket. The gasket including a leakage preventing part and a ring type protrusion.

Claims 1-6 and 9-14 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3 and 5-13 of

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copending Application No. 10/722,443. Although the conflicting claims are not identical, they are not patentably distinct from each other because they both claim a washing machine including a cabinet, drum, tub, and gasket. The gasket including a leakage preventing part, a laundry-stuck preventing part, and a vertical ring type rib with hemi-circular/rounded/tapered end.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kim et al. (US 2004/0025544) teaches a horizontal washing machine with a gasket 30 for preventing water and laundry received in the drum 20 and tub 10 from being leaked outside the tub 10 (Paragraph [0045]). As seen in Figure 2 of Kim et al. the gasket creates a sealing path from the door along a straight away then forms a "Z"-shape and follows along a second horizontal straightaway where it connects with the edge of the drum 20, and finally forms a vertical part which connects with the tub 10.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita R. Patel whose telephone number is (571) 272-8701. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RRP



MICHAEL BARR
SUPERVISORY PATENT EXAMINER